

Appl. No. : 10/820,381  
Filed : April 8, 2004

### REMARKS

In the March 20, 2006 Final Office Action, the Examiner rejected Claims 1-4 and 42-48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,788,103 B1 to Feldman, et al. ("Feldman") in view of U.S. Patent Application Publication No. 2004/0088594 A1 by Canagasaby, et al. ("Canagasaby"). Applicants request reconsideration of the rejections in view of the following comments.

#### Rejection of Claim 1

The Examiner rejects Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Feldman in view of Canagasaby. Applicants respectfully traverse this rejection. In rejecting Claim 1, the Examiner acknowledges that Feldman does not disclose "wherein the differential circuit, the first current source, the first active load, and the second active load form at least part of a state machine," as claimed. The Examiner relies on Canagasaby to provide the missing elements. With reference to Canagasaby, the Examiner asserts that:

Canagasaby shows a state machine (330 and 340 in Fig. 3 are considered as a state machine, [0040] in a micro-processor shows as chip A or B in figures 1A-1B) comprises a differential circuit (Figure 15) having a current source (1540A-D), the first active load (1510, active load [0070]), and the second active load (1512).

Applicants respectfully submit that the Examiner mischaracterizes the teachings of Canagasaby. As illustrated in Figure 3, the receiver tracking mechanism 330 and the interpolator 340 are distinct blocks. The Examiner combines the active load properties of the interpolator 340 with the state machine attributes of the receiver tracking mechanism 330 by considering both together as "a state machine." This appears to be an unsupportable modification of Canagasaby.

Canagasaby teaches that the "receiver tracking mechanism 330" (paragraph [0040]), the "receiver tracking mechanism, as shown in FIG. 9," and the "drift direction predictor, as shown in FIG. 9" (paragraph [0121]), may be a state machine. Active loads are not described in connection with the state machines of Canagasaby.

Active loads 1510-1512 are illustrated in Figure 15, which illustrates "the example phase tracking interpolator 340" (paragraph [0067]). Canagasaby does not teach or suggest that the interpolator 340 is a state machine.

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Therefore, there is no state machine in Canagasaby that has an active load. Accordingly, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness. In order to establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. See M.P.E.P. § 2143.03. Therefore, Applicants request the Examiner to withdraw the rejection of Claim 1 and to allow Claim 1.

#### **Rejection of Claim 42**

The Examiner also rejects Claim 42 under 35 U.S.C. § 103(a) as being unpatentable over Feldman in view of Canagasaby. Claim 42 recites "wherein the differential logic circuit and the active loads form at least part of a state machine." In rejecting Claim 42, the Examiner states that "330 and 340 in Fig. 3 are considered as a state machine."

As discussed in response to the rejection of Claim 1, Applicants submit that 330 of Canagasaby corresponds to a state machine, and 340 of Canagasaby teaches the active loads. Therefore, Applicants respectfully submit that Canagasaby does not teach or suggest active loads in connection with a state machine, and that, the Examiner has not established a *prima facie* case of obviousness.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of Claim 42 and to allow Claim 42.

#### **Dependent Claims 2-4 and 43-48**

Dependent Claims 2-4 and 48 depend from and further define Claim 1, and dependent Claims 43-47 depend from and further define Claim 42. In addition, these dependent claims recite numerous additional distinctions over the cited references. Accordingly, Applicants request allowance of Claims 2-4 and 43-48.

#### **Rejoinder of Dependent Claims 5-17**

Dependent Claims 5-17 depend from and further define Claim 1 or intervening claims thereof. In view of the patentability of Claim 1, Applicants request rejoinder of previously withdrawn Claims 5-17 in accordance with M.P.E.P. 821.04(a). Dependent Claims 5-17 include all the limitations of at least Claim 1.

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### Rejoinder of Claims 18-41

Applicants respectfully submit that Claim 42 is generic over the species claimed in Claims 18, 21, 22, 29, and 34 and their dependents. In view of the patentability of Claim 42, Applicants request rejoinder and allowance of previously withdrawn Claims 18-41 as discussed in M.P.E.P. 821.04(a)

Applicants reserve the right to pursue any of Claims 18, 21, 22, 29, and 34 in a future divisional or other continuing applications in a form without the amendments made in this paper.

### SUMMARY

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner to withdraw the rejections of Claims 1-4 and 42-48 under 35 U.S.C. § 103(a). Applicants further request the Examiner to allow Claims 1-4 and 42-48, to rejoin and allow previously withdrawn Claims 5-41, and to pass the present application to the issue process.

If there is any further impediment to the prompt allowance of the present application, Applicants request the Examiner to call the undersigned attorney of record at 310-407-3466 or at the telephone number listed below to resolve any such impediment.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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